

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ANTHONY BRODZKI,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 3:12-CV-3638-B
	§	
JOHN BRYSON, SECRETARY, U.S.	§	
DEPARTMENT OF COMMERCE,	§	
	§	
Defendant.	§	

**ORDER ADOPTING THE MAGISTRATE JUDGE'S  
FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

Before the Court is the Magistrate Judge's Amended Findings, Conclusions, and Recommendation (doc. 24) on Defendant's Motion to Dismiss (doc. 7). Both parties have failed to object to the Magistrate Judge's findings and recommendations within fourteen days as proscribed by FED. R. CIV. P. 72(b)(2). In the absence of objections, the Court reviews the Magistrate Judge's finding and recommendations for clear error. FED. R. CIV. P. 72(b)(3), Advisory Committee Notes, 1983 addition ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation").

After making an independent review of the pleadings, files and records in this case, and the Amended Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the Court is of the opinion that the Amended Findings, Conclusions, and Recommendations are correct and free of clear error. It is therefore **ORDERED** that the Amended Findings, Conclusions and Recommendation of the United States Magistrate Judge (doc. 24) are **ACCEPTED**.

Accordingly, Defendant's Motion(doc. 7) is **GRANTED** in part and **DENIED** in part.


Defendant's motion is **GRANTED** with respect to Plaintiff's Title VII claim based on sexual orientation discrimination due to a lack of subject matter jurisdiction; this sexual orientation Title VII claim is hereby **DISMISSED** with prejudice. Defendant's Motion is **GRANTED** as to Plaintiff's claims of Wrongful Discharge, Tortious Removal, Defamation, Slander, Libel and his claims for violations of the 5th and 14th Amendments as barred by Sovereign Immunity; these claims are dismissed with prejudice.

Defendant's Motion with respect to Plaintiff's Rehabilitation Act, Title VII, Retaliation, and ADEA claims is **DENIED** without prejudice.

The parties are hereby **GRANTED** sixty days of discovery regarding the issue of when Plaintiff's complaint was received in the District of Columbia Clerk's office. The parties are directed to submit affidavits or other documentary evidence proving the date the complaint was received in the District of Columbia's Clerk's office within ten days after the close of the sixty day discovery period.

**SO ORDERED.**

**SIGNED: January 2, 2013.**

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE